

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WYATT CAMERON MONTCLAIR

Defendant.

CR-15-21-GF-BMM-JTJ

CR-14-84-GF-BMM-JTJ

AMENDED ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on May 7, 2019. (Doc 96.) The United States accused Wyatt Cameron Montclair of violating his supervised release by: (1) using marijuana; (2) failing to report for substance abuse testing; and (3) failing to report for substance abuse treatment.

Judge Johnston entered Findings and Recommendations in this matter on May 8, 2019. (Docs. 46 and 100.) Montclair waived his right to object to Judge Johnston's Findings and Recommendations. When a party makes no objections,

the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Montclair's supervised release. Judge Johnston has recommended that the Court revoke Montclair's supervised release and commit Montclair to the custody of the Bureau of Prisons for a term of 5 months custody, with 28 months of supervised release to follow in CR-15-21-GF-BMM, and CR-14-85-GF-BMM, with both sentences to run concurrently.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Montclair's violations of his conditions represent a serious breach of the Court's trust. A sentence of 5 months custody, followed by 28 months of supervised release in CR-15-21-GF-BMM, and CR-14-85-GF-BMM, with both sentences to run concurrently, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Docs. 46 and 100) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Wyatt Cameron Montclair be sentenced to custody for 5 months, followed by 28 months of supervised release.

DATED this 9th day of May, 2019.



Brian Morris
United States District Court Judge